

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

NEW MEXICO CATTLE GROWERS'
ASSOCIATION; SPUR LAKE CATTLE
COMPANY; NELSON SHIRLEY,
individually; ALLEN CAMPBELL,
individually and HUMANE FARMING
ASSOCIATION,

Plaintiffs,

vs.

No. CIV 23-0150 JB/GBW

UNITED STATES FOREST SERVICE;
ANIMAL AND PLANT HEALTH
INSPECTION SERVICE; CAMILLE
HOWES, in her official capacity as Supervisor
of the Gila National Forest; TOM VILSACK,
in his official capacity as Secretary of the
United States Department of Agriculture;
RANDY MOORE, in his official capacity as
Chief of the U.S. Forest Service; MICHIKO
MARTIN, in her official capacity as
Southwestern Regional Forester; HENRY
PROVENCIO, in his official capacity as
District Ranger for the Wilderness Ranger
District, Gila National Forest; JANET
BUCKNALL, in her official capacity as
Deputy Administrator of the Animal and Plant
Health Inspection Service and KEITH
WEHNER, in his official capacity as Western
Regional Director, Animal and Plant Health
Inspection Service,

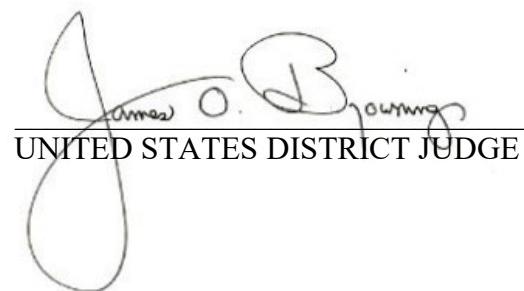
Defendants.

ORDER¹

¹This Order disposes of the Plaintiffs' request for a preliminary injunction made in the Plaintiffs' Application for Temporary Restraining Order and Preliminary Injunction, filed February 21, 2023 (Doc. 6). At a later date, however, the Court will issue a Memorandum Opinion more fully detailing its rationale for this decision.

THIS MATTER comes before the Court on the Plaintiffs' Application for Temporary Restraining Order and Preliminary Injunction, filed February 21, 2023 (Doc. 6). The Court held a hearing on February 22, 2023. See Clerk's Minutes at 1, filed February 22, 2023 (Doc. 29). Because the Court denied the Plaintiffs' application for a temporary restraining order, see Memorandum Opinion and Order, filed February 22, 2023 (Doc. 20), the remaining issue before the Court is whether to grant a preliminary injunction under rule 65(a) of the Federal Rules of Civil Procedure. At this time, the Court denies the application for a preliminary injunction as moot. The denial is without prejudice.

IT IS ORDERED that the Plaintiffs' request for a preliminary injunction in the Plaintiffs' Application for Temporary Restraining Order and Preliminary Injunction, filed February 21, 2023 (Doc. 6), is denied without prejudice.



James O. B. Bowring
UNITED STATES DISTRICT JUDGE

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